

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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BRIAN KENNETH LEADINGHAM,

Plaintiff,

Case No. 1:09-cv-1009

v.

Honorable Paul L. Maloney

MICHIGAN DEPARTMENT OF  
CORRECTIONS,

Defendant.

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**ORDER**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On November 5, 2009, the Court entered an order of deficiency (docket #6) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file the documents as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed thirty days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

More than thirty days have elapsed. Plaintiff failed to pay the \$350.00 civil action filing fee or to submit the requisite documents to apply to proceed *in forma pauperis*. While Plaintiff sent a printout from his prison trust account statement, it was neither certified nor for the sixth-month period immediately proceeding the filing of his complaint. Because Plaintiff has failed to comply with the Court's order, the Court will issue a judgment dismissing the case without

prejudice for lack of prosecution. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002); *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997).

IT IS SO ORDERED.

Dated: January 4, 2010

/s/ Paul L. Maloney

Paul L. Maloney  
Chief United States District Judge